

# SENATE BILL 52

P3

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(PRE-FILED)

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By: **Chair, Finance Committee (By Request – Departmental – Disabilities)**

Requested: November 2, 2009

Introduced and read first time: January 13, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Disabilities – Maryland Commission on Disabilities – Duties**  
3 **and Responsibilities**

4 FOR the purpose of requiring the Secretary of Disabilities to request that the  
5 Interagency Disabilities Board revise the State Disabilities Plan at least once  
6 every certain number of years; altering the required membership of the  
7 Maryland Commission on Disabilities; clarifying the duties of the members of  
8 the Commission; eliminating the Personal Assistance Services Advisory  
9 Committee; and generally relating to the duties of the Secretary of Disabilities  
10 and the Maryland Commission on Disabilities.

11 BY repealing and reenacting, with amendments,  
12 Article – Human Services  
13 Section 7–113, 7–120, and 7–123  
14 Annotated Code of Maryland  
15 (2007 Volume and 2009 Supplement)

16 BY repealing  
17 Article – Human Services  
18 Section 7–135 through 7–140 and the part “Part VI. Personal Assistance  
19 Services Advisory Committee”  
20 Annotated Code of Maryland  
21 (2007 Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Human Services**

25 7–113.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The Secretary is responsible for the budget of the Department.

2 (b) Except as otherwise provided by law, the Secretary shall pay all money  
3 collected by the Department under this subtitle into the General Fund of the State.

4 (c) (1) (i) Before publication in the Maryland Register, the Secretary  
5 shall review new or proposed changes to regulations submitted by a unit of State  
6 government that relate to the provision of resources and services to individuals with  
7 disabilities.

8 (ii) The regulations shall include an assessment that describes  
9 the impact of the proposed regulations on individuals with disabilities.

10 (2) Before implementation, the Secretary shall review new or proposed  
11 changes to policies, programs, or services submitted by a unit of State government  
12 that relate to the provision of resources and services to individuals with disabilities.

13 (d) (1) The Secretary shall review, coordinate, and concur with any  
14 application for federal aid, waivers, or grants that is:

15 (i) specific to services for individuals with disabilities; and

16 (ii) submitted by or through any unit of State government.

17 (2) Except as otherwise prohibited by law, the Secretary may apply  
18 for, receive, and use grants-in-aid, funds, or services from the federal government or  
19 any of its units, or any public or private source made available to the Department for  
20 use in carrying out the powers and duties of the Secretary or the Department.

21 (e) (1) The Secretary shall review the State Disabilities Plan developed by  
22 the Board in accordance with § 7-132 of this subtitle.

23 (2) The Secretary may approve the State Disabilities Plan or amend  
24 the Plan if the Secretary determines that the Plan developed by the Board is not in  
25 accordance with § 7-132 of this subtitle.

26 **(3) THE SECRETARY SHALL REQUEST THAT THE BOARD REVISE**  
27 **THE STATE DISABILITIES PLAN AT LEAST ONCE EVERY 4 YEARS.**

28 **[(3)] (4)** The Secretary shall adopt regulations to implement the  
29 State Disabilities Plan as approved or as amended in accordance with paragraph (2) of  
30 this subsection.

31 (f) The Secretary shall submit an annual analysis of the State's progress in  
32 implementing the State Disabilities Plan and related performance objectives to the

1 Governor and, in accordance with § 2-1246 of the State Government Article, to the  
2 General Assembly on or before October 1 of each year.

3 (g) The Secretary may create citizens' advisory bodies that the Secretary  
4 considers necessary for the effective operation of the Department.

5 7-120.

6 (a) The Commission consists of:

7 (1) the following members, appointed by the Governor:

8 (i) one individual with a physical disability;

9 (ii) one individual who has experienced mental illness;

10 (iii) one individual with [an intellectual] **A DEVELOPMENTAL**  
11 disability;

12 (iv) one individual who is blind;

13 (v) one individual who is deaf or hard of hearing;

14 (vi) one parent or foster parent of a child with a disability;

15 (vii) four members of the general public who have disabilities;

16 (viii) three representatives from statewide disability advocacy  
17 organizations;

18 (ix) one representative from the home health care industry;

19 (x) one representative from a statewide organization of  
20 providers of services and support for individuals with disabilities;

21 (xi) one representative from the Alliance of Local Commissions  
22 on Disability; and

23 (xii) two representatives from the Board, one of whom shall be  
24 selected by the Secretary and one of whom shall be the Secretary of Budget and  
25 Management or the designee of the Secretary of Budget and Management;

26 (2) one representative from the Senate of Maryland, appointed by the  
27 President of the Senate; and

28 (3) one representative from the Maryland House of Delegates,  
29 appointed by the Speaker of the House.

1 (b) In making the appointments required under subsection (a)(1) of this  
2 section, the Governor shall appoint members from among:

3 (1) the geographic regions of the State; and

4 (2) diverse backgrounds.

5 (c) A majority of the members shall be individuals with disabilities.

6 (d) (1) The term of a member is 3 years.

7 (2) The terms of the members are staggered as required by the terms  
8 provided for the members of the Commission on October 1, 2007.

9 (3) At the end of a term, a member continues to serve until a successor  
10 is appointed and qualifies.

11 (4) A member who is appointed after a term has begun serves only for  
12 the rest of the term and until a successor is appointed and qualifies.

13 (5) A member may not serve more than two consecutive 3-year terms.

14 (e) A member who fails to attend at least 50% of the regularly scheduled  
15 meetings of the Commission during any 12-month period shall be considered to have  
16 resigned.

17 7–123.

18 Members of the Commission shall:

19 (1) advise the Department in carrying out its duties;

20 (2) meet at least twice a year in meetings open to the public; and

21 (3) serve on **ONE OR MORE** subcommittees established by the  
22 Secretary to [carry out the mission of] **PROVIDE GUIDANCE TO** the Department **ON**  
23 **MATTERS AFFECTING INDIVIDUALS WITH DISABILITIES, INCLUDING PUBLIC**  
24 **POLICY, OUTREACH, AND PERSONAL ASSISTANCE SERVICES.**

25 [Part VI. Personal Assistance Services Advisory Committee.]

26 [7–135.

27 In this part, “Advisory Committee” means the Personal Assistance Services  
28 Advisory Committee.]

1 [7-136.

2 (a) There is a Personal Assistance Services Advisory Committee in the Office  
3 of Personal Assistance Services in the Department.

4 (b) The purpose of the Advisory Committee is to provide guidance to the  
5 Department on personal care, attendant care, and home care services, including:

6 (1) the development of standards for the training of personal care  
7 workers;

8 (2) the feasibility of establishing a referral system of individual  
9 providers;

10 (3) the feasibility of establishing a registry for personal care workers;  
11 and

12 (4) the compensation levels provided to personal care workers for  
13 personal assistance services.]

14 [7-137.

15 (a) The Advisory Committee consists of the following members, appointed by  
16 the Governor:

17 (1) 11 individuals with disabilities who are current or former  
18 consumers of personal home or attendant care services; and

19 (2) one representative each from:

20 (i) the Maryland Medical Assistance Program;

21 (ii) the Maryland Department of Aging;

22 (iii) the State Department of Education, Division of  
23 Rehabilitative Services;

24 (iv) the Maryland Association of Community Colleges or its  
25 designee;

26 (v) a local office on aging;

27 (vi) the Maryland State Independent Living Council;

28 (vii) an advocacy organization representing senior citizens;

1 (viii) an advocacy organization representing individuals with  
2 disabilities;

3 (ix) a provider of home care or personal attendant care services;  
4 and

5 (x) a home health worker.

6 (b) (1) The term of a member is 3 years.

7 (2) The terms of the members are staggered as required by the terms  
8 provided for members of the Advisory Committee on October 1, 2007.

9 (3) At the end of a term, a member continues to serve until a successor  
10 is appointed and qualifies.

11 (4) A member who is appointed after a term has begun serves only for  
12 the rest of the term and until a successor is appointed and qualifies.

13 (5) A member may not serve more than two consecutive terms.]

14 [7-138.

15 From among the members of the Advisory Committee, the Secretary shall select  
16 a chair.]

17 [7-139.

18 (a) The Office of Personal Assistance Services shall provide staff to the  
19 Advisory Committee.

20 (b) The Advisory Committee shall meet at least four times a year, in  
21 meetings open to the public.]

22 [7-140.

23 The Advisory Committee shall report its recommendations on personal care  
24 assistance services to the Governor and, subject to § 2-1246 of the State Government  
25 Article, the General Assembly on or before October 1 of each year.]

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2010.